PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: AKASHE, ET AL.	)	Confirmation No. 5534
	)	Attny. Dkt.: 77060
Serial No.: **10/696,636**	)	Group Art Unit: 1761
Filed: October 29, 2003	)	Examiner: Weier, Anthony J.
For: METHOD OF PREPARATION OF HIGH QUALITY SOY CULTURED PRODUCTS	)	

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
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APPLICANT SUMMARY OF INTERVIEW WITH EXAMINER

Sir:

This paper follows up a telephonic interview held between Applicants' undersigned representative and the examiner of record, Examiner Weier, on February 2, 2006.

Applicants' statement of the substance of the interview of February 2, 2006, is as follows:

Applicants' representative discussed the Youngquist and Peng references of record with the Examiner.

Regarding Youngquist: During the interview, Applicants' representative pointed out that the claims of the present invention require solubilization of the soy proteins at a pH of about 9-12 before ultrafiltration, in order to unfold and otherwise open up the proteins and thereby facilitate release of the undesired low molecular weight flavoring compounds from the proteins (referencing pg. 11, lines 11-14). It was noted that

Youngquist teaches away from such a process step by requiring the use of an electrolyte in the deflavoring solution to instead reduce hydration and solubilization of the seed proteins and provide protein that is "largely undissolved," as indicated in the paragraph bridging columns 5-6 thereof. Applicants representative urged that Younquist's failure to solubilize the soy seed material prior to ultrafiltration would be technically expected to leave a significant amount of undesired flavor compounds behind in the protein after Youngquist's ternary solvent treatment.

Applicants also noted that Youngquist refers to use of flaking, grinding or comminution to expose a large surface area of the seed particles to the deflavoring solution in order to "speed the deflavoring process," but that the seed particles should not be "too small" (referencing col. 5, lines 1-6). It was noted in this regard that Youngquist describe treatment of ground seeds having a particle size range of about 20 to 150 microns (referencing col. 5, lines 1-4, 35-36). As a comparison, Applicants' representative directed attention to the descriptions at page 9, lines 5-15 of the instant specification which explains that the ultrafiltration step of the present invention is intended to remove particles having a size between 10-1,000 Angstroms, i.e., 0.001 to 0.1 microns, while lower molecular weight flavoring compounds will pass through the filter. It was noted that Youngquist's soy particle size range of 20-150 micron is much larger than the 0.001-0.1 micron particle size range of the retentate fraction of ultrafiltered pre-solubilzed soy material according to embodiments of the present invention.

Applicants' representative urged that these identified technical distinctions between the deflavored soy materials of the presently claimed soy-containing cheese products with those

of Youngquist's deflavored seed materials should be sufficient to allow and support technical inferences that the presently claimed products are patentably distinct from Youngquist's products as described therein, and that direct laboratory comparative showings with Youngquist should not be required.

The Examiner was understood to indicate that Applicants' technical arguments "sound reasonable on their face" and would be helpful to overcome Youngquist, but he reserved and withheld his final decision on the allowability of the pending claims until he had an opportunity to fully review Applicants' written response filed January 20, 2006 together with Applicants' arguments and explanations presented in the interview in light of the file record.

Regarding Peng: As to the Peng reference, Applicants' representative pointed out during the interview that Peng describes a soft tofu-type curd, pudding-like product, which is not a dairy cheese-containing product, such as a natural or process cheese containing product, as presently claimed. It also was pointed out that Peng makes the tofu-type curd in the presence of a whey protein ingredient that does not coagulate. It was noted that the whey protein used by Peng is unlike casein and other dairy components which coagulate in preparing natural or process dairy cheese compositions such as presently claimed. Therefore, it would be technically expected that the inventive cheese products would be physically quite different and distinct from Peng's tofu pudding product, such as in terms of stiffness and/or moisture content.

The Examiner was understood to indicate that Applicants' technical arguments relative to Peng were reasonable and helpful to overcome Peng, but he also was understood to reserve and withhold his final decision on the allowability of the present

claims thereover until he had completed a full review of record. The Examiner also pointed out that he would consider whether the present claims might need to clarify, in his possible view, the amount of the natural or process cheese base component relative to the deflavored soy, in order to further differentiate Peng's whey-containing tofu-curd.

It is believed that the above represents an accurate and complete record of the interview of interest.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

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